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October 4, 2004

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Commissioner for Patents
United States Patent and Trademark Office
2011 S. Clark Place
Customer Window,
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Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: U.S. Utility Patent Application No. 09/936,202
For: SURGICAL GUIDE ASSEMBLY AND SEPARATOR FOR USE DURING
A SURGICAL PROCEDURE
Our Reference No: 23660-00623

Dear Sir:

Transmitted herewith for filing in the U.S. Patent and Trademark Office in connection with the above-referenced application are the following documents:

- (1) Transmittal Form (1 page); and
- (2) Amendment and Response after final (10 pages).

Please date-stamp the enclosed copy of this letter, thereby acknowledging receipt of the above-identified documents.

Sincerely yours,

JOHN N. COULBY, Reg. No. 43,565
MARK W. RYGIEL, Reg. No. 45,871

JNC/MWR/rm
Enclosures



PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number	09/936,202
Filing Date	04/01/2002
First Named Inventor	TANNER, et al.
Art Unit	3731
Examiner Name	ROBERTS, P.
Attorney Docket Number	23660-00623

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	COLLIER SHANNON SCOTT, PLLC		
Signature			
Printed name	MARK RYGIEL, REG. NO. 45,871		
Date	10/4/04	Reg. No.	45,871

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re
Application of: **Tanner, et al.**

Serial No.: **09/936,202** **Examiner: P. Roberts**

Filed: **April 1, 2002** **Group: 3731**

For: **SURGICAL GUIDE ASSEMBLY AND SEPARATOR FOR USE DURING
A SURGICAL PROCEDURE**

Attorney Docket #: **23660-00623**

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the final Office Action mailed August 3, 2004, and within two months thereof, Applicant submits the following amendments and remarks. Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Applicant's Remarks begin on page 9 of this paper.